

R E M A R K S

In the Office Action, the Examiner withdrew the objections to the drawings, the specification under 35 USC 112, first paragraph to claims 29, 37-40 and the rejection under 35 USC 112, second paragraph to claims 31 and 43.

Claims 22, 23, 29, 31, 32, 34, 37, 41, and 42 were rejected under 35 USC 103(a) as unpatentable on Applicant's admitted art in view of Eheim (22 64 493) on the grounds set forth in the Office Action. Claims 24-26 were rejected under 35 USC 103(a) as unpatentable over applicant's admitted prior art in view of Eheim and further in view of Siemens (8624050) for the reasons stated in point 3 of the Office Action. Claims 27, and 28 were rejected under 35 USC 103(a) as unpatentable over applicant's admitted prior art in view of Eheim (22 64 934) and further in view of Blaettner et al on the grounds set forth in the Office Action. Claims 35 and 36 were rejected under 35 USC 103(a) as unpatentable over applicant's admitted prior art in view of Eheim and further in view of Ikegami et al for the reasons stated in the Office Action. Claim 38 was rejected under 35 USC 103(a) as unpatentable over applicant's admitted prior art in view of Eheim and further in view of Ikegami et al on the grounds set forth in the Office Action. Claims 39 and 40 were rejected under 35 USC 103(a) as unpatentable over applicant's admitted prior art in view of Eheim and Ikegami et al and further in view of Steiner for the reasons stated in the Office Action.

Claims 30, 33 and 43 are allowed.

Please reconsider the foregoing rejections in view of the following argument. It is noted that a thrust ring cooperates

with the components of a motor to prevent excess axial movement of the rotor within the stator. As shown in Fig. 3, there are flat contact surfaces of the stator which abut thrust rings disposed on opposite ends of the rotor, the opposite ends of the rotor also having flat contact surfaces which abut the thrust rings. Thereby, an axially directed force, which is necessary to retain the rotor in its position, is produced by the stator and transmitted through one of the thrust rings to the rotor. Using this definition of a thrust ring, it is clear that the apparatus of Eheim (Fig. 4) does not provide for a thrusting of the stator against end surfaces of the bearings 27, 28. Therefore, the bearings 27 and 28 by which the Eheim rotor rotates about the fixed shaft 29 do not fall within the foregoing definition of a thrust ring or thrust bearing. Also, in Eheim, the shaft 29 is not part of the rotor because it is stationary and does not rotate with the rotor.

In Eheim the shaft 29 is mounted in rubber bearings 30 on both sides of the shaft 29. The shaft 29 is mounted in a manner such that it is not turnable ("drehfest". column 1, line 20) in the bearings 30. So shaft 29 is not part of the rotor. Furthermore, the shaft 29 is not able to move within the bearings or sockets 30 in axial direction, since the holding forces of the rubber of the bearings 30 are the same in radial and axial directions, so that the gaps between the shaft 29 and bearings 30 at both ends of shaft 29 will remain constant. Thus, the rotor is not mounted axially in a floating manner by parts 29, 30.

The rotation of Eheim's motor is possible by hub 26 with rotor 4 which is mounted by the foregoing bearings 27, 28. Between the hub 26 and the bearings 27, 28 are no gaps. Since the hub 26 is

mounted between the bearings 27, 28 without any gap, the rotor of Eheim is not mounted in a floating manner.


Since none of the cited prior art discloses such a mounting, independent claims 22 and 23 should be allowable.

With claim 22 being allowable, depending claims 22-29, 31, 34-42 should be allowable too.

In the event there are further issues remaining the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.


Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted,  
Klaus Kronenberg, et al

by:   
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the accompanying Response Upon Final Rejection being facsimile transmitted to the Patent Office on June 26, 2003.

  
Signed by Martin A. Farber

Dated: June 26, 2003

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